

MISC. CIVIL APPLICATION NO. 589 OF 1992.

Date of decision: 19.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr.S.M. Shah, advocate for petitioners.

Mr. Jayant Patel, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

December 19, 1995.

Oral judgment (Per Soni, J.)

Learned advocates for the parties are absent in Court on call.

This application is filed for taking necessary action under the Contempt of Courts Act alleging non-compliance of the directions given to respondent No.3, i.e., Octroi Ijaredar.

It appears from the affidavit in reply filed by Administrator of respondent No.1 Panchayat that petitioners and respondents, alongwith the Ijaredar, appears to have come to terms and have settled the matter. As per settlement it was decided that an amount of Rs.1 lac which is outstanding to the members of Traders' Association and which is required to be refunded by the Octroi Contractor be deducted by the Nagar Panchayat from the amount which is to be paid to the Octroi Contractor and the balance amount be paid to the Octroi Contractor. In the course of the settlement, it is admitted by the parties to treat this chapter over and the same is acceptable to all.

In view of the above facts, assuming that there was a contempt, the same stands purged as the parties are satisfied with their grievances. Therefore, we would not like to prosecute this matter further. Hence, the proceeding is dropped. Petition stands dismissed. Rule discharged. No costs.